

HOUSE JOINT RESOLUTION 1367
By DeBerry J

A RESOLUTION urging the reauthorization of the special provisions of the Voting Rights Act of 1965.

WHEREAS, following the Civil War, Congress adopted the Thirteenth Amendment abolishing slavery, the Fourteenth Amendment establishing the citizenship rights of all persons born in the United States and requiring that no one be denied due process or equal protection of the laws, and the Fifteenth Amendment securing the right to vote for all citizens, regardless of a person's race, color, or former condition of servitude; and

WHEREAS, despite the enactment of these significant constitutional commands, for nearly 100 years, states and local jurisdictions passed laws and instituted practices designed to circumvent the Civil War amendments; many states erected barriers to access to the polls, including infamous poll taxes and literacy or good character tests; African-Americans, Latinos, and other minorities and those who advocated on their behalf often were subjected to severe violence and intimidation or, in some cases, death if they attempted to register to vote or cast a ballot; and

WHEREAS, confronted with aggressive and relentless defiance of the Constitution, Congress enacted the Voting Rights Act of 1965 in order to ensure that the rights guaranteed by the Fourteenth and Fifteenth Amendments were enforced; and

WHEREAS, the Voting Rights Act of 1965 is widely viewed as one of the most successful civil rights statutes ever enacted; it bans literacy tests and other discriminatory devices, outlaws discriminatory practices and procedures during the voting process, authorizes the appointment of federal election monitors and observers, and creates various means for protecting and enforcing the rights of American citizens, including racial and language minorities, to vote; and

WHEREAS, although the struggle to ensure fairness in the electoral process continues, as a result of the Voting Rights Act, racial and language minorities have enjoyed enhanced opportunities to participate in the electoral process, cast votes, and elect their candidates of choice; and

WHEREAS, in 2007, certain “special provisions” of the Voting Rights Act that were enacted to address discriminatory voting practices and the present effects of those practices could expire if not renewed by Congress; and

WHEREAS, these provisions include:

Section 2: This provision equips voters with the means to challenge election laws that result in a denial or abridgement of voting rights on account of race, color, or language minority status;

Section 4: The coverage provision, which determines which states and jurisdictions must seek Section 5 pre-clearance; the coverage formula reaches states and jurisdictions with some of the most active histories of discrimination;

Section 5: The federal pre-clearance of voting changes provisions, which requires covered jurisdictions to prove that voting changes are not discriminatory before they may legally take effect;

Sections 6-9: The Federal Examiner/Observer provisions, which set forth criteria for election monitoring by the Department of Justice; and

Section 203: The bilingual voting materials provisions, which mandate that certain voting materials must be translated for language minorities in certain jurisdictions; and

WHEREAS, by 2007, Congress will vote on whether to extend these “special provisions” of the Voting Rights Act; the effects of the long history of voting discrimination persist; the “special provisions” of the Voting Rights Act continue to be extremely important tools for protecting minority voting; during the reauthorization process, Congress will compile a record that sets forth the continuing effects of the nation’s widespread voting discrimination; and

WHEREAS, voting is the cornerstone of American democracy and, during the reauthorization process, Congress and individuals and organizations concerned with maintaining the protections afforded by the Voting Rights Act of 1965 will have an opportunity to

present the evidence necessary to support renewal of the “special provisions” of the Voting Rights Act of 1965; in the meantime, all eligible voters should register, confirm their registration status, and exercise the right to vote so that the long struggle to expand the franchise yields meaningful results; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED FOURTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, that we hereby urge Congress to reauthorize the “special provisions” of the Voting Rights Act of 1965.

BE IT FURTHER RESOLVED, that the General Assembly of the State of Tennessee will collaborate with all organizations dedicated to ensuring the reauthorization of the Voting Rights Act of 1965.

BE IT FURTHER RESOLVED, that an enrolled copy of this resolution be transmitted to the Speaker and the Clerk of the U.S. House of Representatives, the President and the Secretary of the U.S. Senate, and each member of the Tennessee Congressional Delegation.